

ORIGINAL

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Final Rule LSA Document #01-341(F)

DIGEST

Adds 170 IAC 7-1.2 concerning telecommunications service quality standards. Repeals 170 IAC 7-1.1-1, 170 IAC 7-1.1-2, 170 IAC 7-1.1-3, 170 IAC 7-1.1-4, 170 IAC 7-1.1-5, 170 IAC 7-1.1-6, 170 IAC 7-1.1-7, 170 IAC 7-1.1-8, 170 IAC 7-1.1-9, 170 IAC 7-1.1-10, and 170 IAC 7-1.1-11. Effective 180 days after filing with the secretary of state pursuant to IC 4-22-2-35 or January 1, 2003, whichever is later.

170 IAC 7-1.1-1	170 IAC 7-1.1-7
170 IAC 7-1.1-2	170 IAC 7-1.1-8
170 IAC 7-1.1-3	170 IAC 7-1.1-9
170 IAC 7-1.1-4	170 IAC 7-1.1-10
170 IAC 7-1.1-5	170 IAC 7-1.1-11
170 IAC 7-1.1-6	170 IAC 7-1.2

SECTION 1. 170 IAC 7-1.2 IS ADDED TO READ AS FOLLOWS:

Rule 1.2. Telecommunications Service Quality Standards; Standards of Service

170 IAC 7-1.2-1 Applicability of standards; variances; scope; severability

Authority: IC 8-1-1-3

Affected: IC 8-1-2; IC 8-1-2.6

Sec. 1. (a) This rule applies to any local exchange carrier (LEC) that is now, or may hereafter be, engaged in the business of rendering telecommunications services to the public under the jurisdiction of the commission. This rule is intended to result in the provision of reasonable quality telecommunications services to the public and to establish the obligations of both the LEC and the customer. The standards of service provided in this rule create a minimum level of service that an LEC must meet when providing reasonable quality telecommunications services within Indiana.

(b) Any LEC subject to the service quality standards set forth in this rule that fails to meet such standards shall be subject to all legal remedies provided by law. Upon complaint or its own motion and after notice and a hearing, the commission may order lawful enforcement mechanisms against a carrier that fails to meet the requirements or standards established in this rule. Nothing in this rule shall prevent the commission from exercising any authority it may have under applicable law to enforce this rule in the event any LEC fails to comply.

(c) An LEC may be excused from the service quality measures of this rule when such failure is the direct result of customer-owned equipment, negligent acts of a customer, or acts of God as determined by the commission. A CLEC shall not be held responsible for failure to meet any provision of this rule, including the credit provisions, when such failure is directly related to ILEC-provided services, systems, or facilities. Sections 3(g), 5, 10, 12, 14, 15, and 18 of this rule do not apply to bundled local resellers of local exchange service or LECs that provide local service via the unbundled network element platform (UNE-Platform).

(d) Credits required by this rule do not apply if the violation of a service quality standard:

- (1) occurs as a result of a negligent or willful act on the part of the customer;**
- (2) occurs as a result of a malfunction of customer-owned telephone equipment or inside wiring;**
- (3) occurs as a result of, or is extended by, an emergency situation;**
- (4) is extended by the carrier's inability to gain access to the customer's premises due to the customer missing an appointment, provided that the violation is not further extended by the carrier;**
- (5) occurs as a result of a customer request to change the scheduled appointment, provided that the violation is not further extended by the carrier; or**
- (6) occurs as a result of a carrier's right to refuse service to a customer as provided by law.**

(e) The commission may, upon petition of an LEC or the utility consumer counselor, upon its own motion, or in response to customer complaints, take any of the following actions in accordance with applicable legal and procedural requirements:

- (1) Alter or amend this rule, in whole or in part.**
- (2) Require an LEC to offer any other services.**
- (3) Require an LEC to utilize or provide any other equipment or facilities.**
- (4) Require an LEC to comply with any other service standards.**
- (5) At its sole discretion, grant, in whole or in part, permanent or temporary waivers from this rule on an expedited basis.**

(f) When the commission initiates an administrative adjudication under subsection (e), either in response to customer complaints, upon petition of an LEC, the utility consumer counselor, or upon the commission's own motion, it shall consider whether public convenience and necessity will be served by granting the requested relief and whether the requested relief is:

- (1) justified under IC 8-1-2.6;**
- (2) necessary to avoid unreasonable hardship to an LEC or its customers; or**
- (3) necessary to meet other exceptional conditions.**

(g) The adoption of this rule shall not relieve any LEC from any of its duties under the laws of this state, the federal laws, and applicable commission orders.

(h) If any provision of this rule is determined by a court of competent jurisdiction to be prohibited or otherwise unenforceable under controlling state or federal law, such provision shall be ineffective to the extent of such prohibition or unenforceability, without invalidating the remaining provisions hereof.

(i) If an ILEC's tariff on file with the commission contains provisions that conflict with this rule, this rule supersedes any conflicting tariff provisions. *(Indiana Utility Regulatory Commission; 170 IAC 7-1.2-1; filed Aug 7, 2002, 10:09 a.m.; 25 IR 4053, eff one hundred eighty (180) days after filing with the secretary of state)*

170 IAC 7-1.2-2 Definitions

Authority: IC 8-1-1-3

Affected: IC 8-1-1.1-2; IC 8-1-2

Sec. 2. The following definitions apply throughout this rule:

(1) "Access line" means the facilities and transmission path used to create a telecommunications connection from a network interface device to the serving switch center and composing the local loop.

(2) "All trunks busy" means any equipment condition in which all trunks (paths) in a given trunk group are busy, causing callers to receive a fast busy signal.

(3) "Bundled local reseller" means a public utility providing telecommunications services that purchases packages (bundles) of retail local services at wholesale rates from an underlying ILEC for resale to customers. The term does not include carriers that purchase disaggregate local service of an underlying ILEC, such as unbundled network elements, components, functionalities, or facilities to use in its provision of local exchange services.

(4) "Business days" means all days other than:

(A) a Saturday;

(B) a Sunday;

(C) a legal holiday; or

(D) a day that the office in which the act is to be done is closed during regular business hours.

(5) "Busy hour" means the hour of the day during which a telephone system carries the most traffic.

(6) "Call" means an attempted or completed telephone message.

(7) "Central office" means a switching unit in a system that provides central office telecommunications services to the general public having the necessary equipment and operating arrangements for terminating and interconnecting access lines and trunks or trunks only. There may be more than one (1) central office in a building.

(8) "Certificate of territorial authority" or "CTA" means a telecommunications service provider's authorization, as granted by the commission in compliance with IC 8-1-2-88, to provide service within a designated area.

(9) "Class of service" means a designation given to an exchange service dependent upon the nature of its use, such as business or residence service.

(10) "Local exchange" means the local exchange of the regulatory commission.

(11) "Incumbent local exchange carrier" or "ILEC" means a telecommunications utility that provides telephone service to customers in the geographic territory served by the local exchange and does not qualify as an incumbent local exchange carrier under subdivision (18).

(12) "Consumer affairs division" means the commission's division that reviews and issues

dispositions on informal complaints submitted to the commission by LEC customers under IC 8-1-2-34.5.

(13) "Customer" means any person, firm, partnership, corporation, municipality, governmental agency, limited liability company, or other entity provided with local exchange carrier telecommunications service and may also be referred to as "end user".

(14) "Exchange" means a geographic service area established by an incumbent local exchange carrier and approved by the commission, usually embracing a city, town, or village and designated surrounding or adjacent area, that typically encompasses one (1) or more central offices, together with the associated plant used in furnishing telecommunications service to the general public.

(15) "Extended area service" or "EAS" means telephone service permitting persons in a given exchange to place and receive calls from one (1) or more other exchanges at monthly flat or measured rates without being assessed toll message charges for each message.

(16) "Facility" means any one (1) or all of the elements of physical plant used to provide telecommunications services, sometimes used synonymously with "transmission path", including all of the physical cables and equipment associated with that path.

(17) "Grade of service" means the type of service furnished a customer with respect to the functionality and capabilities of the service offering.

(18) "Incumbent local exchange carrier" or "ILEC" means a local service LEC that provides telephone service to customers in the geographic territory served by the local exchange and that:

(A) on February 8, 1996, provided telephone exchange service in such area and was deemed to be a member of the exchange carrier association under 47 CFR 69.601(b), 60 FR 19530 (April 19, 1995)*; or

(B) is a person or entity that on or after February 8, 1996, became a successor or assign of a member described in clause (A).

(19) "Intercept service" means a service arrangement provided by the LEC whereby calls placed to a nonworking, disconnected, or discontinued telephone number are intercepted and the calling party is informed that:

(A) the called telephone number is not in service or has been changed to another number; or

(B) the calls are received by another telephone number.

(20) "Interoffice call" means a telephone call originating in one (1) central office unit or entity but terminating in another central office unit or entity, both of which are in the same designated exchange area.

(21) "Intraoffice call" means a telephone call originating and terminating within the same central office unit or entity.

(22) "Legal holiday" means the following:

(A) New Year's day.

(B) Dr. Martin Luther King, Jr. day.

(C) Washington's birthday.

(D) Memorial day.

(E) Independence day.

(F) Labor day.

(G) Veteran's day.

- (H) Thanksgiving day.**
- (I) Christmas day.**
- (J) Any other day appointed as a holiday by the President or the Congress of the United States or by the governor of the state of Indiana.**
- (23) "Local exchange carrier" or "LEC" means a local service telephone utility that provides telephone service to customers in the geographic territory served by the local exchange under IC 8-1-2-88 and excluding those services provided pursuant to a CTA issued for a radio common carrier or commercial mobile radio service. The agents of an LEC are deemed to be the LEC for purposes of this rule.**
- (24) "Local service" means telephone service furnished to customers under a specific schedule of exchange rates not including toll charges.**
- (25) "Local service area" means the area within which telephone service is furnished to customers under a specific schedule of exchange rates and without toll charges, which may include one (1) or more exchange areas or portions of exchange areas.**
- (26) "Loop" means the facilities used to connect the customer premises with the central office.**
- (27) "Out-of-service trouble report" means the loss of dial tone or the inability to complete either or both incoming and outgoing calls over the customer's access line. As used in this rule, the term shall not include service difficulties such as slow dial tone, circuits busy, or other network or switching capacity shortages.**
- (28) "Primary service" means the initial access line providing local service to a customer.**
- (29) "Public safety answering position" or "PSAP" means a person or group of people who answer 9-1-1 emergency calls.**
- (30) "Service-affecting trouble report" means any regulated service-related trouble report that does not constitute an out-of-service condition.**
- (31) "Service interruption" means the loss of dial tone or the inability to complete either or both incoming and outgoing calls over the customer's access line. As used in this rule, the term shall not include service difficulties, such as:**
- (A) slow dial tone;**
 - (B) circuits busy; or**
 - (C) other network or switching capacity shortages.**
- (32) "Speed of answer" means the following:**
- (A) For live operator systems, it is the number of seconds required to reach an operator or service representative who is ready to render assistance and accept the information necessary to process the call.**
 - (B) For automated, interactive answering systems, it is the number of seconds from the time a customer's call exits the automated system until the call is answered by a live operator, service representative, or automated system ready to render assistance and accept the information necessary to process the call.**
- (33) "Tariff" means a schedule of regulated recurring and nonrecurring charges together with the appropriate general rules and regulations applicable to customers of the LEC for services furnished properly filed with and approved by the commission.**
- (34) "Toll blocking" means a service that customers may use to block outgoing toll calls from their access lines.**
- (35) "Toll message" means a completed telephone call between stations in different exchanges for which toll charges are applicable.**
- (36) "Tracking number" means a number that allows the customer to verify that a requested**

repair or installation order has been received by the LEC.

(37) "Traffic" means the amount of activity during a given period of time over a circuit, access line, or group of access lines, or the number of messages handled by a data communications switch.

(38) "Trouble report" means any oral or written report to an appropriate LEC representative from the LEC's customer relating to a physical defect in or difficulty with subscribed network facilities providing regulated telecommunications services. For purposes of this rule, trouble reports are classified as either an out-of-service trouble report or a service-affecting trouble report.

(39) "Trunk" means a common communications line between two (2) switching systems. Information from a variety of users goes through the same trunking facilities.

(40) "Utility" means any public utility as defined in IC 8-1-2-1.

(41) "Utility consumer counselor" means the office established pursuant to IC 8-1-1.1-2.

(42) "Valid number" means a number for a specific telephone terminal in an assigned area code and working central office that is equipped to ring and connect a calling party to such terminal number.

(43) "Wire center" means the location where the LEC terminates customer access lines with the necessary testing facilities to maintain the access lines.

**This document is incorporated by reference. Copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Utility Regulatory Commission, 302 West Washington Street, Room E306, Indianapolis, Indiana 46204. (Indiana Utility Regulatory Commission; 170 IAC 7-1.2-2; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4054, eff one hundred eighty (180) days after filing with the secretary of state)*

170 IAC 7-1.2-3 Records and reports

Authority: IC 8-1-1-3

Affected: IC 8-1-2-52; IC 8-1-2-88

Sec. 3. (a) The LEC shall furnish the commission with any information concerning the LEC's facilities or operations that the commission may request and require. Each LEC shall also furnish to the commission, at such time and in such form as the commission may require, the results of any required tests and summaries of any required records. All such data, unless otherwise specified, shall be consistent and reconcilable with the LEC's annual report to the commission.

(b) Where an LEC is operated with another business that is not regulated by the commission, data and records of the LEC shall be separate such that the results of the LEC's intrastate telephone operations may be determined at any time at the level of detail prescribed under applicable law and regulation.

(c) Upon the direction of the commission and notification to the LEC, any member of the commission staff may, at any reasonable time during normal business hours, visit the LEC's offices or other places of business within or outside Indiana and inspect any accounts, books, records, and papers of the LEC that may be necessary in the discharge of commission duties.

(d) During such visits by the commission staff, and during comparable visits by the utility consumer counselor's staff, the LEC shall provide staff members with adequate and comfortable working and filing space, consistent with the prevailing conditions and climate, and comparable to the accommodations the LEC provides for its independent auditors.

(e) Requirements for location and preservation of records are as follows:

(1) All records that an LEC is required to keep, by reason of this rule or other rules prescribed by the commission, shall be kept at the office or offices of the LEC located within Indiana unless otherwise authorized by the commission.

(2) All LECs shall maintain sufficient records necessary to verify and substantiate all requirements of these rules. The failure of an LEC to maintain sufficient records to verify and substantiate the LEC's compliance with a service quality standard shall serve as an admission that the LEC failed to meet that service quality standard.

(3) An LEC that receives commission authorization to keep its required records in another state shall reimburse the commission for all reasonable out-of-state travel expenses incurred to review records kept in another state.

(4) An LEC that receives commission authorization to keep its required records in another state shall reimburse the utility consumer counselor for all reasonable out-of-state travel expenses incurred to review records kept in another state if out-of-state inspection and review of records becomes necessary in order to satisfy a discovery request from the utility consumer counselor in any docketed proceeding.

(5) Unless otherwise directed by the commission, an LEC shall maintain its records in accordance with 47 CFR 42 and the master index maintained pursuant to 47 CFR 42.4, 51 FR 32653 (September 15, 1986)*. Notwithstanding any other provision of this rule, all records necessary to substantiate an LEC's compliance with the requirements of this rule, including any underlying documentation, shall be maintained for at least eighteen (18) months.

(f) Each LEC shall maintain suitable maps and records to show the location and description of its toll and exchange plant facilities and the extent of area served by the LEC.

(g) Requirements for reports of interruptions are as follows:

(1) Each LEC shall inform the commission's consumer affairs division and the utility consumer counselor of any interruptions to service exceeding one (1) hour affecting an entire exchange or a substantial portion (twenty-five percent (25%) of the LEC's average number of lines per exchange or two thousand (2,000) lines, whichever is fewer) of an exchange or central office within two (2) hours during normal work hours of the business day after the LEC becomes aware of such interruption to service and shall within one (1) business day notify the consumer affairs division and the utility consumer counselor of the time when service has been restored. If the offices of the commission and utility consumer counselor are closed for business when any interruptions to service exceeding one (1) hour and affecting an entire exchange or a substantial portion (twenty-five percent (25%) of the LEC's average number of lines per exchange or two thousand (2,000) lines, whichever is fewer) of an exchange or central office occurs, the LEC shall notify the commission's consumer affairs division and

the utility consumer counselor of those events during the first two (2) hours on the next regular business day.

(2) In the event of a 9-1-1 service affecting disruption or impairment that affects all or a substantial portion of an exchange, the LEC shall notify the affected PSAP designated contact immediately upon identification and verification of the service affecting disruption or impairment. A status regarding the restoration of the service affecting disruption or impairment shall be provided by the LEC to the affected PSAP every sixty (60) minutes unless otherwise negotiated with the PSAP. The LEC shall inform the commission's consumer affairs division and the utility consumer counselor of such 9-1-1 service affecting disruption or impairment within two (2) hours during normal work hours of the business day and shall within two (2) hours during normal work hours of the business day notify the commission's consumer affairs division and the utility consumer counselor regarding the restoration of the service. If the offices of the commission and the utility consumer counselor are not open for business when a service affecting disruption or impairment or restoration of service occurs, the LEC shall notify the commission's consumer affairs division and the utility consumer counselor of those events during the first two (2) hours on the next regular business day.

(h) The commission may require that data be reported by the utilities in order to determine whether an LEC is providing service consistent with this rule. The LEC shall respond to any quality of service survey that is issued by the commission. The commission may revise, as necessary, the quality of service survey to acknowledge technological advances, deployment of advanced services, changes to the set of universally supported services, or other telecommunications related events.

**This document is incorporated by reference. Copies may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Utility Regulatory Commission, 302 West Washington Street, Suite E306, Indianapolis, Indiana 46204. (Indiana Utility Regulatory Commission; 170 IAC 7-1.2-3; filed Aug 7, 2002, 10:09 a.m.; 25 IR 4055, eff one hundred eighty (180) days after filing with the secretary of state)*

170 IAC 7-1.2-4 Tariffs; maps of service areas

Authority: IC 8-1-1-3

Affected: IC 8-1-2-38; IC 8-1-2-39

Sec. 4. (a) Each LEC shall maintain on file with the commission tariffs which set forth all rates and charges for customer services, applicable local service areas, any applicable classes and grades of service, the conditions and circumstances under which service will be furnished, and all general rules and regulations governing the relationship between the LEC and its customers. Such tariff filings shall comply with this rule and with other applicable law.

(b) Each ILEC shall file maps with the commission depicting the ILEC's local exchange service areas. The maps shall cover all territory included in the ILEC's CTA and shall delineate the local exchange service area boundaries in sufficient detail to permit such boundaries to be located in the field. The maps shall be maintained on a current basis, with

signatures of concurrence from duly accredited representatives of each affected ILEC for abutting exchanges, where necessary.

(c) Each LEC shall make copies of the following available for public inspection during normal business hours at all of its public service center locations in Indiana:

- (1) All current local exchange tariffs.
- (2) All intrastate toll rate schedules showing any applicable tariffed rate structure distinctions.
- (3) All local exchange service area maps.

The LEC shall provide copies of the items listed in this subsection to the public within twenty-four (24) hours of receiving an oral request or a request in person. The LEC shall provide copies of the items listed in this subsection to the public within seven (7) days of receiving a request by mail or facsimile. If the LEC charges customers for copies of the items listed in this subsection, such charges shall be included in the LEC's approved local exchange service tariffs on file with the commission.

(d)(1) Any LEC having a Web site, or with a parent corporation with a Web site, shall place on that Web site the following information:

- (A) The LEC's effective Indiana jurisdictional tariff.
- (B) All pending tariff supplements and revisions.

(2) An LEC shall notify the commission of all applicable Web site addresses. If any changes occur in an LEC's Web site address, the LEC shall notify the commission in writing within seven (7) days of such change. An LEC shall direct this correspondence to the commission's consumer affairs division.

(3) An LEC shall certify to the commission that the electronic tariffs are, and will continue to be, accurate electronic representations of the officially filed tariff. However, the electronic tariffs are not the official documents of the commission, and the Web site user assumes responsibility for any reliance placed on them.

(4) Tariff files shall be in a widely used and commercially available format. Tariff files shall be in read-only format to prevent Web site users from modifying the tariff language. Tariffs shall continue to be filed in hard copy format pursuant to applicable law. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-4; filed Aug 7, 2002, 10:09 a.m.; 25 IR 4057, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.2-5 Safety standards

Authority: IC 8-1-1-3

IC 8-1-2-4

(a) The LEC's electrical equipment shall be designed, constructed, installed, maintained, operated, and removed in accordance with applicable provisions of the 2002 edition of the National Electrical Safety Code (copyright 2001), as approved by the American National Standards Institute on June 14, 2001*, other state and federal workplace safety laws, and generally accepted industry practice to help ensure continuity of service and safety of

persons and property.

(b) Each LEC shall use reasonable efforts to properly warn and protect the public from any known dangers caused by the LEC's facilities or operations. Each LEC shall exercise due care to reduce the hazards to employees, customers, or members of the general public caused by the LEC's equipment, facilities, or operations.

**This document is incorporated by reference. Copies may be obtained from the Institute of Electrical and Electronics Engineers, Inc., 445 Hoes Lane, Piscataway, New Jersey 08855-1331 or are available for copying at the Indiana Utility Regulatory Commission, Indiana Government Center-South, 302 West Washington, Room E306, Indianapolis, Indiana 46204. (Indiana Utility Regulatory Commission; 170 IAC 7-1.2-5; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4057, eff one hundred eighty (180) days after filing with the secretary of state)*

170 IAC 7-1.2-6 Operator services

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4

Sec. 6. (a) Each LEC that provides operator services shall adopt suitable practices concerning the operating methods used by its telephone operators, with the objective of providing prompt, courteous, accurate, and efficient operator services to each of its customers.

(b) Each LEC that contracts with another entity for the provision of operator services for its customers shall require that the contracting operator service provider adopt suitable practices concerning the operating methods used by the contractor's telephone operators, with the objective of providing prompt, courteous, accurate, and efficient operator services to each customer of the contracting LEC.

(c) Each LEC and contracting provider of operator services shall ensure that the telephone operators and service evaluation personnel used to provide operator services to the LEC's Indiana customers are familiar with and instructed to comply with all applicable state and federal laws concerning privacy of telecommunications.

(d) Except for those customers who request nonpublished listings, each LEC shall provide access to the following information to the directory assistance and intercept operators used by the LEC:

- (1) The names of all customers.**
- (2) The telephone numbers of all customers.**
- (3) The service addresses of all customers.**

The LEC shall also arrange for new or changed service to be provided to the directory assistance and intercept operators within one hour of the time the LEC receives a new or changed service, excluding Sundays and legal holidays. (Indiana Utility Regulatory Commission; 170 IAC 7-1.2-6; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4058, eff one hundred eighty (180) days after filing with the secretary of state)

170 IAC 7-1.2-7 Response to commission staff inquiries

Authority: IC 8-1-1-3

Affected: IC 8-1-2-53

Sec. 7. Each LEC shall fully and promptly answer all inquiries received from the commission staff concerning service or any other matters pertaining to this rule. Each LEC shall fully and promptly answer such requests, at the earliest possible date, not to exceed fifteen (15) calendar days after the LEC receives such an inquiry from the commission, unless otherwise directed by the staff. *(Indiana Utility Regulatory Commission; 170 IAC 7-1.2-7; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4058, eff one hundred eighty (180) days after filing with the secretary of state)*

170 IAC 7-1.2-8 Telephone directories; white pages

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 8-1-2-88; IC 35-45-2-4

Sec. 8. (a) This section applies only to those telephone directories that an LEC publishes for its customers or contracts to provide to its customers in a given area.

(b) Telephone directories shall be revised at least once every fifteen (15) months, except when it is known that impending service changes require the rescheduling of directory revision dates. The commission, upon written application by an LEC, may allow exemptions from this section upon a showing that it is unnecessary or impractical to revise the directory within the normal time limit.

(c) Upon issuance of a directory, each customer served by such directory shall be furnished one (1) copy of that directory at no charge. The telephone directory shall list the name, address, and telephone number of all customers located in the area covered by the directory, excluding:

- (1)** information on customers who request unlisted or nonpublished telephone numbers; and
- (2)** identifying information concerning public pay phones.

Upon request, additional directories shall be furnished at no charge, not to exceed the total number of access lines, as provided under tariff, if available. Additional or foreign directories shall be provided when available by the LEC to its customers at cost.

(d) Upon customer request, each LEC shall provide, at no charge, a copy of any other telephone directory containing listings that may be dialed as either a local call or extended area service call by the requesting customer. These additional directories shall be furnished when available and shall not exceed the total number of access lines as provided under tariff.

(e) A current copy of all directories shall be furnished to the commission at no charge.

(f) Upon mutual consent of the LEC and the customer, the LEC may provide the customer with a directory in an electronic format, in lieu of a printed directory.

(g) The name of the publisher of the local telephone directory, the general areas included in

the directory, and the month and year in which the directory was issued shall appear on the front cover of the directory.

(h) On the directory cover or spine, the primary area codes being served by the directory will be identified. Listings included in the directory from other area codes shall be presented with both the area code and number being shown.

(i) All of the following information shall be listed conspicuously on the first pages of the directory:

(1) Instructions on the use of 9-1-1 emergency service numbers for all areas covered by the directory where 9-1-1 service is available. For areas covered by the directory that do not have 9-1-1 service, the directory shall list the emergency numbers for either the sheriff or local police agency and the local fire department. A statement identifying where nonemergency numbers for local police and fire agencies are located shall also be included in the directory.

(2) A statement that the customer should contact its local exchange service provider for local service bills or its long distance service providers for long distance bills and to obtain instructions on how to submit payments to the customer's telecommunications service providers.

(3) A statement that the customer should contact the local exchange service provider for the following:

(A) Matters relating to local exchange service.

(B) Instructions on how to place local calls.

(C) Instructions on how to report local service problems.

(D) Instructions on how to change service options.

(E) Instructions on how to access local directory assistance.

(F) Instructions on how to access local operators.

(4) A statement that the customer should contact the long distance service providers for the following:

(A) Matters relating to long distance service.

(B) Instructions on how to place long distance calls.

(C) Instructions on how to report long distance service problems.

(D) Instructions on how to change service options.

(E) Instructions on how to access long distance directory assistance.

(F) Instructions on how to access long distance operators.

(5) A statement that the LEC's complaint handling process can be obtained by:

(A) calling the LEC;

(B) reviewing the terms of the LEC's current tariff on file with the commission; or

(C) accessing the LEC's Web page at a given Internet address.

(6) A statement that the LEC is not able to resolve billing or service related complaints directly with the customer. If the customer is attempting to do so, the customer is invited to contact the commission's consumer affairs division. This statement shall include the name, address, local telephone number, toll-free telephone number, TDD number, and Internet address of the consumer affairs division.

(7) A statement that a company's tariff is available for public inspection at the LEC's public

service center and at the offices of the commission.

(8) A statement identifying the existence of low-income telephone assistance programs available in the area covered by the LEC, with instructions to contact the LEC to obtain additional information.

(9) A statement that the commission's:

(A) service quality rule may be found at 170 IAC 7-1.2; and

(B) consumer rights rule may be found at 170 IAC 7-1.3.

(10) A statement that is consistent with commission orders explaining both the LEC's and the customer's responsibilities regarding inside wiring.

(11) A copy of the rights and responsibilities of customers of telephone utilities (or a summary that has been approved by the commission for use in telephone directories).

(12) A statement that the federal statute that governs and limits privacy protections for interstate or foreign telecommunications is located at 47 U.S.C. 605 and the Indiana statute that affords protections for intrastate telecommunications is located at IC 35-45-2-4.

(j) If a customer's telephone number is shown incorrectly in an LEC-provided telephone directory, the LEC shall comply with the intercept provisions found in section 17 of this rule. *(Indiana Utility Regulatory Commission; 170 IAC 7-1.2-8; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4058, eff one hundred eighty (180) days after filing with the secretary of state)*

170 IAC 7-1.2-9 Availability of service

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 9. (a) Each LEC that provides central office equipment and outside plant facilities shall design and engineer such equipment and facilities in accordance with the following:

- (1) Recognized industry technical standards.
- (2) The service quality standards and other provisions of this rule.
- (3) Reasonable anticipated customer demand for basic telephone service.
- (4) Applicable commission orders.
- (5) Applicable tariffs.

(b) Where central office and outside plant facilities are readily available:

(1) An LEC shall complete at least ninety-two percent (92%) of all requests for primary service in any month within an interval of five (5) business days after receipt of an application. The following conditions must be met for the standards set forth in this subsection to apply:

(A) The customer applicant has complied with all applicable tariff requirements.

(B) The customer applicant is prepared to accept the service.

(C) The customer applicant has established a serviceable address.

(D) The requested service does not require special central office or outside plant equipment or provision of special services.

(E) For CLECs, all ILEC-provisioned services and network elements that are necessary in order for a CLEC to install primary service to end-user customers have been obtained by and are available to the CLEC.

(2) An LEC shall disclose to a customer its obligation to install primary service within an interval of five (5) business days or provide the customer with a credit, except when the LEC offers an installation date of five (5) days or less, or when the customer requests an installation date that exceeds five (5) days.

(3) If a customer requests installation of primary service within five (5) business days of the date the request was placed, the following provisions apply:

(A) The LEC shall advise the customer applicant of the date and time by which the LEC will be able to provide service and inform the customer of the tracking number assigned to the installation request.

(B) If the installation of service requires the customer to be present, the LEC shall fulfill the requirements of subsection (f).

(C) If the LEC fails to install primary service within five (5) business days of the date the request was placed, the LEC shall, without the customer's request, credit the customer's billing account twenty percent (20%) of the nonrecurring installation fees associated with the installation for the sixth day and each day thereafter until the LEC completes installation of trouble free primary service, provided, however, that the credit for failure to install primary service within five (5) business days shall not exceed the total amount of the installation fee.

(D) If the LEC fails to install trouble free primary service within ten (10) business days of the date the request was placed, the LEC shall provide the customer with alternative service free of charge.

(4) If a customer requests installation of primary service six (6) or more business days after the date the order was placed, the following provisions apply:

(A) The LEC shall advise the customer applicant of the date and time by which the LEC will be able to provide service.

(B) If the installation of service requires the customer to be present, the LEC shall fulfill the requirements of subsection (f).

(C) If the LEC fails to install service by the customer requested in service date, the LEC shall, without the customer's request, credit the customer's billing account twenty percent (20%) of the nonrecurring installation fees associated with the installation for each day after the customer requested installation date, provided, however, that the credit for failure to timely install primary service shall not exceed the total amount of the installation fee.

(D) If the LEC fails to install trouble-free primary service within five (5) business days of the customer request in service date, the LEC shall provide the customer with alternative service free of charge.

(5) Credits issued pursuant to this section shall be applied as soon as practicable but not later than two (2) billing cycles after the date of the completed installation.

(6) This section applies to new primary service installations by LECs and does not apply to service migrations from one (1) LEC to another LEC.

(c) Where central office and outside plant facilities are not readily available, the ILEC shall promptly notify the customer applicant of that fact and provide a date and time acceptable to the customer on which the required central office and outside plant facilities will be available for the ILEC to provide the requested services and provide the customer with a tracking number. Even when central office and outside plant facilities are not readily available, each

ILEC shall strive to provide primary service to every customer applicant:

- (1) on or before the requested in-service date, whenever possible; or**
- (2) otherwise, as close to the customer-requested in-service date as possible and within thirty (30) days of the application for primary service.**

(d) Each LEC shall maintain records reasonably sufficient to show the extent of its compliance with subsections (b) and (c) of this section for the previous eighteen (18) months.

(e) If any ILEC fails to satisfy any primary service request within thirty (30) days of the requested in-service date, the ILEC shall do the following:

- (1) File a report of any failure with the commission at the end of each calendar quarter. The report shall include an explanation of relevant circumstances and shall identify any factors outside the ILEC's control that prevented it from providing the requested service within thirty (30) days of the requested in-service date.**
- (2) Waive the nonrecurring installation charges upon installation of the requested service unless the ILEC requests and the commission grants a waiver for installation beyond thirty (30) days of the requested in-service date.**

(f) If it is necessary for the customer to be present during an on-premise installation, the LEC shall make appointments for such installation, at a mutually agreed upon date and time (which shall be identified as occurring within a four (4) hour window, such as morning, afternoon, or evening). If a service installation appointment cannot be kept, the LEC shall make reasonable efforts to notify the customer applicant by 6:00 p.m. on the day prior to the appointment to explain the reason for the delay. The LEC shall obtain a contact point from the customer in order to provide such advance notice. If the LEC fails to notify the customer by 6:00 p.m. on the day prior to the scheduled installation appointment and the LEC fails to keep the installation appointment, the LEC shall, without the customer's request, credit the customer's account twenty-five dollars (\$25). (*Indiana Utility Regulatory Commission; 170 IAC 7-1.2-9; filed Aug 7, 2002, 10:09 a.m.; 25 IR 4059, eff one hundred eighty (180) days after filing with the secretary of state*)

170 IAC 7-1.2-10 Extension of facilities

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 10. (a) Each LEC shall include in its tariffs filed with the commission a statement of its standard extension policy, setting forth the terms and conditions under which its facilities will be extended to provide service to customer applicants located within the LEC's certificated service territory. The LEC's policies for service extensions shall conform to construction charges for extension of facilities required to provide local service and will not apply to facilities located in a public rights-of-way, except where:

- (1) unusual costs, as defined in tariffs or otherwise determined by the commission, are involved in the establishment of service;**
- (2) the installation is for a temporary or semipermanent purpose; or**
- (3) the facilities cannot be used for other general telephone purposes if service to the**

customer applicant is discontinued.

(b) Provided the type of facilities and method of installation are the type normally used by the LEC to provide the requested service, construction charges for facilities to be located on private rights-of-way in order to satisfy an customer applicant's request for local service shall not apply to the following:

- (1) The first one-tenth (0.1) of a mile for business service.**
- (2) The first two-tenths (0.2) of a mile for residential service.**

If a customer applicant requests a type of facility or method of installation that differs from the norm, the LEC shall charge the customer applicant for the difference in cost between the two (2) types of construction. The customer applicant shall also be responsible for providing necessary private rights-of-way if construction is required in areas where the right of eminent domain does not exist. The provision of any facilities beyond the first one-tenth (0.1) of a mile for business service and two-tenths (0.2) of a mile for residential service shall be charged to the customer applicant at cost.

(c) Requirements for new real estate developments are as follows:

(1) If a developer requests the installation of telephone facilities for a new real estate development, the developer shall have the property:

- (A) cleared of trees, tree stumps, paving, and other obstructions necessary for installation of the telephone facilities;**
- (B) staked to show property lines and final grade; and**
- (C) graded to within six (6) inches of final grade;**

all at no charge to the LEC. The LEC shall also have the right to require a deposit from the developer to cover the full cost of constructing the requested facilities in accordance with applicable rules, regulations, and tariffs approved by the commission. The LEC shall refund the deposit to the developer on a pro rata basis as customers connect to the newly extended facilities. Such refunds shall be paid to the developer on a quarterly basis or at longer intervals if the developer and the LEC so agree. If refunds are returned quarterly, no interest shall be paid. If refunds are returned annually, the refundable portion of the deposit shall bear interest at the rate of six percent (6%) per annum from the date the first customer is connected to the newly extended facilities.

(2) Any amount that is still owed to the LEC under this subsection or subsection (a) or (b) may be withheld when the deposit is returned to the developer.

(3) Any portion of the deposit that has not been refunded five (5) years from the date that the LEC is first ready to render service from the extension may be retained by the LEC as liquidated damages.

(4) When customers request pole attachments to avoid new construction costs, the LEC may charge the customer all expenses and rental charges associated with the attachments.

(5) Except as provided in filed tariffs, the ownership of all facilities constructed, as herein provided, shall be vested in the LEC.

(6) Except as provided in filed tariffs, the portion of the expense of construction of facilities for a customer shall be subject to later refund.

(d) Nothing in this rule shall be construed as prohibiting any LEC from establishing an extension policy more favorable to customers than that contained herein, as long as no

discrimination is practiced between customers under the same or substantially the same circumstances and conditions. *(Indiana Utility Regulatory Commission; 170 IAC 7-1.2-10; filed Aug 7, 2002, 10:09 a.m.; 25 IR 4061, eff one hundred eighty (180) days after filing with the secretary of state)*

170 IAC 7-1.2-11 Grade of service

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 11. The minimum grade of local exchange telecommunications service that may be provided within Indiana shall include the following:

(1) Voice grade access to the public switched network with a minimum bandwidth of three hundred (300) hertz to three thousand (3,000) hertz that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call.

(2) All switched voice circuits shall be adequately designed and maintained. Within sixty (60) days of a customer's application therefore, a voice grade access line will be provisioned for connectivity of at least fourteen thousand four hundred (14,400) bits of data per second when connected through an industry standard modem (IT U-T V.32bis, V.34bis, or equivalent) or a facsimile machine (IT U-T V.17bis or equivalent). An LEC that is unable to meet this requirement may petition the commission for waiver of this subsection.

(3) Local service.

(4) Dual tone multifrequency signaling.

(5) Single-party service or its functional equivalent.

(6) Access to emergency services, including access to 9-1-1 and enhanced 9-1-1, where such emergency services are provided by local governments through a PSAP.

(7) Availability of toll blocking services.

(8) Access to local operator services (O-).

(9) Access to local directory assistance.

(10) Access to interexchange services (1+), including access to toll operator services (O+).

(Indiana Utility Regulatory Commission; 170 IAC 7-1.2-11; filed Aug 7, 2002, 10:09 a.m.; 25 IR 4062, eff one hundred eighty (180) days after filing with the secretary of state)

170 IAC 7-1.2-12 Maintenance of plant equipment

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 12. (a) Each LEC shall adopt and pursue a maintenance program aimed at achieving efficient operation of its system so as to permit the rendition of safe, adequate, and continuous service at all times.

(b) A maintenance program shall include keeping all plant and equipment in a good state of repair consistent with safety, adequate service performance, and industry standards. Broken, damaged, or deteriorated parts shall be promptly repaired or replaced. Adjustable apparatus

and equipment shall be readjusted as necessary when found to be in unsatisfactory operating condition. Electrical faults, such as leakage or poor insulation, noise induction, cross talk, or poor transmission characteristics shall be corrected to comply with industry standards.

(c) A LEC shall make reasonable attempts to notify customers whose service is expected to be interrupted for more than one (1) hour for scheduled maintenance or facilities upgrades, consistent with safety and security considerations.

(d) When additions or changes to plant or records are scheduled that will necessitate a large group of telephone numbers to change, the serving LEC shall notify all of its affected customers then of record who will be affected by the change at least sixty (60) days in advance of such scheduled additions or changes, regardless of whether the number change is scheduled to occur at approximately the same time that the serving LEC's next local telephone directory is issued.

(e) Anytime a customer premise visit is required for a residential unit or business unit with fewer than four (4) access lines, or upon request by a customer, the LEC shall install a network interface device (NID), if the premises is not already so equipped. The LEC shall notify its customers of their ability to request that a NID be installed through bill inserts, directory information pages, or other cost-efficient means. The LEC shall not charge the customer for the installation of the NID. *(Indiana Utility Regulatory Commission; 170 IAC 7-1.2-12; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4062, eff one hundred eighty (180) days after filing with the secretary of state)*

170 IAC 7-1.2-13 Trouble reports

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 13. (a) Each LEC shall provide for the receipt of customer trouble reports twenty-four (24) hours a day, seven (7) days a week. For purposes of this rule, trouble reports shall be classified as either out-of-service trouble reports or service-affecting trouble reports. An out-of-service trouble report shall not be downgraded to a service-affecting trouble report. However, a service-affecting trouble report shall be upgraded to an out-of-service trouble report if changing conditions so indicate.

(b) Each LEC shall make all reasonable efforts to minimize the extent and duration of all service outages. In at least ninety-two percent (92%) of service outages reported for any given calendar month, service shall be restored within twenty-four (24) hours from the time the LEC receives an out-of-service trouble report. If the LEC fails to restore service to a customer within twenty-four (24) hours, the LEC shall, without the customer's request, issue the customer a bill credit equal to the thirty-three percent (33%) of the recurring monthly service charge. The LEC shall issue the customer additional credits equal to thirty-three percent (33%) of the recurring monthly service charge for each twenty-four (24) hour period after the initial twenty-four (24) hour period until the customer's service is restored.

(c) Each LEC shall make all reasonable efforts to minimize the extent and duration of all service-affecting problems. Ninety percent (90%) of all service-affecting problems shall be corrected within forty-eight (48) hours from the time the LEC receives the service-affecting trouble report, excluding Saturdays, Sundays, and legal holidays.

(d) Credits shall be in the form of either:

- (1) a credit to the customer's account made within the next two (2) billing periods; or**
- (2) direct payment to the customer made within the next two (2) billing periods if the customer's account is current and the credit exceeds one (1) month's recurring charges.**

(e) Priority shall be given to those out-of-service trouble reports and service-affecting trouble reports that adversely affect the public health, safety, or welfare.

(f) If the LEC's investigation reveals that the customer is responsible for correcting the reported service problem, the LEC shall notify the customer of that fact within twenty-four (24) hours.

(g) If it is necessary for the customer to be present during an on-premises repair, the LEC shall make appointments for such repair, at a mutually agreed upon date and time (which shall be identified as occurring within a four (4) hour window, such as morning, afternoon, or evening). If a repair appointment cannot be kept, the LEC shall notify the customer applicant by 6:00 p.m. on the day prior to the appointment to explain the reason for the delay. The LEC shall obtain a contact point from the customer in order to provide such advance notice. If the LEC fails to notify the customer by 6:00 p.m. on the day prior to the scheduled repair appointment and the LEC fails to keep the repair visit, the LEC shall, without the customer's request, credit the customer's account fifty dollars (\$50).

(h) Each LEC shall maintain an accurate record of trouble reports and the disposition of each trouble report and shall maintain service at a level such that the average number of initial customer trouble reports measured on a statewide basis for the LEC's Indiana operations does not exceed five (5) trouble reports per one hundred (100) access lines. For purposes of this section, an initial customer trouble report shall be construed to mean the first trouble report on a station, access line, or other plant item on which all previous customer reports on record for that particular problem have been closed.

(i) If the average number of initial customer trouble reports for any exchange or wire center exceeds five (5) trouble reports per one hundred (100) access lines in each of any three (3) consecutive months, the LEC shall file a written report with the commission within thirty (30) days, explaining relevant circumstances and describing corrective actions taken by the LEC.

(j) Each LEC shall endeavor to minimize the occurrence of repeat trouble reports. A repeat trouble report is any report made within thirty (30) days after the closing of another trouble report involving the same type of service problem and the same access line. An LEC shall maintain service at such level that repeat trouble reports result from less than fifteen percent (15%) of all trouble reports.

(k) Each LEC shall be responsible for maintaining the trouble report information required by this section for its Indiana operations and by exchange for at least eighteen (18) months. The records of the LEC shall record, at a minimum for each trouble report, the date and time the report was received, whether the trouble report was for out-of-service or service-affecting, whether the complaint was upgraded to out-of-service, when service was restored (date and time), whether the trouble report was a repeat trouble report, the amount of the credit, and the date the credit was issued. *(Indiana Utility Regulatory Commission; 170 IAC 7-1.2-13; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4062, eff one hundred eighty (180) days after filing with the secretary of state)*

170 IAC 7-1.2-14 Adequacy of service

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 14. (a) Each LEC shall provide or otherwise arrange for the use of switching equipment, trunking, and associated facilities for the handling of that LEC's local traffic within its service territory. Such facilities shall be designed and engineered on the basis of realistic forecasts of growth so as to ensure that at least ninety-seven percent (97%) of all calls offered during the busy hour to any LEC trunk group will not encounter an all-trunk busy condition or a no-circuit condition.

(b) Busy hour calls to valid numbers shall encounter an audible ring-back tone, line busy signal, or nonworking intercept facility for operator or recording after completion of dialing at not less than the following performance standards established for such calls, by category of call:

- (1)** Ninety-five percent (95%) for intraoffice calls.
- (2)** Ninety-five percent (95%) for interoffice calls.
- (3)** Ninety-five percent (95%) for extended area calls.

Noncompletions include all-trunk busy conditions, no-circuit conditions, reorders, and equipment failures. *(Indiana Utility Regulatory Commission; 170 IAC 7-1.2-14; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4063, eff one hundred eighty (180) days after filing with the secretary of state)*

170 IAC 7-1.2-15 Transmission requirements

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 15. Local networks shall be designed and operated so as to meet the following service objectives:

- (1)** For loop loss, transmission loss will vary with the characteristics of the interface used, whether analog or digital. However, the loop loss at the network interface device (NID) shall be designed to meet an objective of eight and five-tenths (8.5) decibels, with no loops exceeding ten (10) decibels.
- (2)** For loop noise, the standard for steady state C-Message loop noise is independent of the characteristics of the loop and the interface to the central office equipment. The weighted

loop noise objective measured at the NID shall not exceed thirty (30) decibels at reference noise of one thousand (1,000) hertz (30 dBrnC).

(3) The alternating current (AC) power influence (noise to ground) level on a subscriber loop shall be below ninety (90) decibels at reference noise up one thousand (1,000) hertz (90 dBrnC).

(4) For loop current, to ensure proper operation of customer premises equipment, sufficient loop current shall be maintained. The loop current objective, measured at the NID, shall not be less than twenty (20) milliamperes.

(Indiana Utility Regulatory Commission; 170 IAC 7-1.2-15; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4064, eff one hundred eighty (180) days after filing with the secretary of state)

170 IAC 7-1.2-16 Answering times

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 16. (a) The average speed of answer for an LEC's Indiana operations shall meet the following requirements during normal business hours:

(1) The average speed of answer for calls to the LEC's repair service center shall not exceed sixty (60) seconds.

(2) The average speed of answer for calls to the LEC's business offices shall not exceed sixty (60) seconds.

(3) The average speed of answer for calls to the LEC's local service operators shall not exceed twenty (20) seconds.

(4) The average speed of answer for calls to the LEC's local directory assistance operators shall not exceed twenty (20) seconds.

(5) The average number of calls to each service listed above which are deflected or encounter a busy shall not exceed ten percent (10%).

(b) Each LEC shall monitor its Indiana operations' speed of answer in each of the categories set forth in subsection (a) throughout the calendar year to ensure that applicable average speed of answer requirements are met, at least on a quarterly average basis. Where an LEC cannot practically differentiate among the types of calls identified in subsection (a) because it utilizes a single customer service number for all calls, the LEC shall meet an average speed of answer for all calls of sixty (60) seconds and shall monitor its speed of answer of all calls on an undifferentiated basis. If it is not economically feasible for an LEC to purchase or otherwise arrange for the use of an automated answering speed measurement system, the LEC may request a waiver from the commission to conduct manual time studies each calendar quarter, or more frequently if required by the commission, to test the LEC's ongoing compliance with the above average speed of answer requirements. Each LEC shall comply with all requests and directives from the commission concerning testing methodology and frequency to ensure that any time studies conducted by or on behalf of the LEC produce accurate data concerning the LEC's average speed of answer for each of the above types of calls.

(c) When an LEC utilizes a menu driven, automated, interactive answering system (referred to in this subsection as an automated system), the option of transferring to a live attendant

shall be included in the initial message. At any time during the call, the customer shall be transferred to a live attendant if the customer fails to interact with the automated system for a time period exceeding ten (10) seconds following any prompt. At that point, the speed of answer of the customer's call shall be governed by subsection (a). For purposes of this subsection, "interaction" means responding to a customer prompt offered by the automated system by keying a number or character of an activated touch-tone keypad or by providing an audible response, if requested. When an automated system is utilized, instructions shall be provided on how to make or reschedule appointments.

(d) Local service providers, when offering bundled service packages, shall explain that each service or feature within the package may be purchased individually, list each service and/or feature contained in the package, and, upon subscriber request, provide individual rates for each service or feature.

(e) When a customer calls an LEC to request information about a specific local exchange service or feature, to report service trouble, and or to make payment arrangements, the LEC shall not engage in sales practices until the LEC first confirms that it has completely responded to the subscriber's concern or concerns. Upon a customer's request, the LEC shall discontinue the sales discussion. *(Indiana Utility Regulatory Commission; 170 IAC 7-1.2-16; filed Aug 7, 2002, 10:09 a.m.; 25 IR 4064, eff one hundred eighty (180) days after filing with the secretary of state)*

170 IAC 7-1.2-17 Intercept service

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 17. (a) This section does not apply to area code or other commission-authorized telephone number changes. In all other cases, each LEC shall provide the following intercept services for office codes assigned to that LEC:

(1) All nonworking office codes (NXXs), service codes, and numbers shall be routed to a vacant code recorded announcement.

(2) At the customer's request, the LEC shall provide changed number intercept for a maximum of ninety (90) days for residential customers and three hundred sixty (360) days for business customers following a number change.

(3) When an emergency service number other than 9-1-1 is replaced by the universal emergency service number (9-1-1), the number that is being replaced shall be intercepted to an operator, a PSAP, or a changed number recorded announcement for at least one (1) year or until the next local telephone directory is issued, whichever is later.

(4) When an LEC's operations or planned capital improvements necessitate the changing of a customer's telephone number, the serving LEC shall maintain or otherwise arrange for an

intercept on the number until the number is either:

(A) a telephone number is replaced; or

(B) an updated local telephone directory is issued.

(b) Adequate intercept facilities shall be available for routine number changes. When number change volumes are abnormally high, auxiliary intercept facilities shall be utilized.

(c) If a customer's telephone number is shown incorrectly in an LEC-provided telephone directory, within two (2) calendar days after receiving a complaint from the customer, excluding Sundays and legal holidays, the serving LEC shall either:

(1) intercept all calls to the incorrect number; or

(2) arrange for such calls to be intercepted by the serving LEC's intercept operator; as long as the number is not otherwise required for service. The customer's correct listing and omitted number shall be placed on directory assistance and intercept, and the correct number shall be furnished to the calling party, either upon request or upon interception, until the serving LEC issues its next telephone directory for the affected area. *(Indiana Utility Regulatory Commission; 170 IAC 7-1.2-17; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4065, eff one hundred eighty (180) days after filing with the secretary of state)*

170 IAC 7-1.2-18 Emergency operation

Authority: IC 8-1-1-3

Affected: IC 8-1-2-4; IC 8-1-2-88

Sec. 18. (a) Each LEC shall make reasonable provisions to meet emergencies resulting from commercial electrical failure and sudden, prolonged increases in traffic due to extraordinary circumstances. Each LEC shall instruct employees on procedures to be followed in the event of such emergencies in order to prevent or mitigate interruption or impairment of telephone service.

(b) All existing central offices shall maintain the following:

(1) Central offices with installed emergency power generating equipment will have a minimum of three (3) hours central office battery capacity of busy-season, busy-hour load.

(2) Central offices without installed emergency power generating equipment shall have a minimum central office battery capacity of five (5) hours busy-season, busy-hour load. Facilities needed to connect a portable generator shall also be readily available in each central office.

(c) It is essential that all central offices have adequate provision for emergency power. All new central offices, central office replacements, and major additions placed on order after the effective date of this rule and standards shall be designed to meet the following objectives:

(1) Central offices with installed emergency power generating equipment will have a minimum of three (3) hours central office battery capacity of busy-season, busy-hour load.

(2) Central offices without installed emergency power generating equipment shall have a minimum central office battery capacity of eight (8) hours busy-season, busy-hour load. Facilities needed to connect a portable generator shall also be readily available in each central office.

(Indiana Utility Regulatory Commission; 170 IAC 7-1.2-18; filed Aug 7, 2002, 10:09 a.m.: 25 IR 4065, eff one hundred eighty (180) days after filing with the secretary of state)

SECTION 2. THE FOLLOWING ARE REPEALED: 170 IAC 7-1.1-1; 170 IAC 7-1.1-2; 170 IAC 7-1.1-3; 170 IAC 7-1.1-4; 170 IAC 7-1.1-5; 170 IAC 7-1.1-6; 170 IAC 7-1.1-7; 170 IAC 7-1.1-8; 170 IAC 7-1.1-9; 170 IAC 7-1.1-10; 170 IAC 7-1.1-11.

SECTION 3. SECTIONS 1 and 2 of this document take effect one hundred eighty (180) days after filing with the secretary of state pursuant to IC 4-22-2-35 or January 1, 2003, whichever is later.

ORIGINAL

INDIANA UTILITY REGULATORY COMMISSION

Approval of Adoption of Final Rule

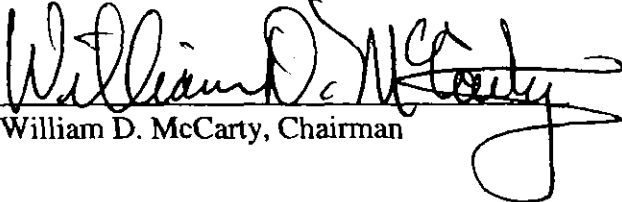
170 IAC 170 7-1.2

LSA 01-341(F)

IURC RM 01-04

Upon prior publication of notice, and public hearing having been held on April 4, 2002, at 10:00 a.m. EST, as required by the provisions of I.C. 4-22-2-1, *et seq.*, the Indiana Utility Regulatory Commission, on June 12, 2002, at 1:30 p.m. EST in Room E306, Indiana Government Center-South, Indianapolis, Indiana at which time a majority of members of said Commission were present, adopted the foregoing rule.

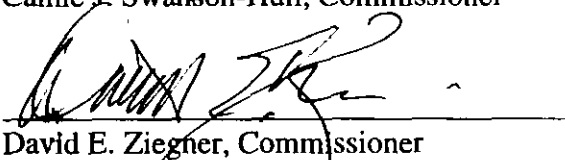
The Secretary is hereby directed to submit five (5) copies of the aforesaid rule to the Attorney General of Indiana, for his approval of same, and thereafter file one (1) duplicate approved copy with the Secretary of State.


William D. McCarty, Chairman

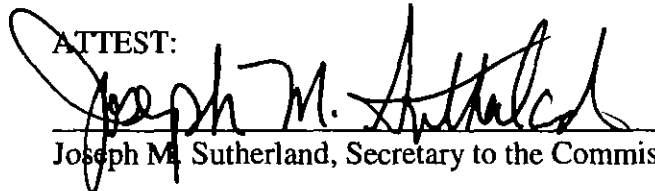
Absent
David W. Hadley, Commissioner


Judith G. Ripley, Commissioner


Camie J. Swanson-Hull, Commissioner


David E. Ziegner, Commissioner

ATTEST:


Joseph M. Sutherland, Secretary to the Commission

DATE:

JUN 12 2002

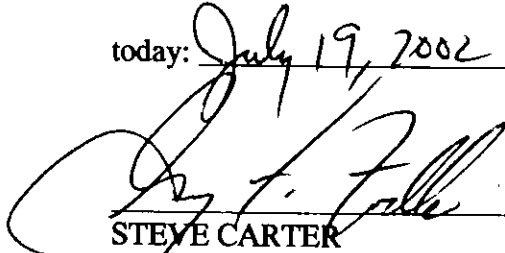
Approval of the Adoption of Rule

170 IAC 7-1.2
LSA Document #01-341(F)
IURC RM 01-04

Approved as to legality,

today:


July 19, 2002


STEVE CARTER
Attorney General of Indiana

Approved,


today:

8-6-02


FRANK O'BANNON
Governor of Indiana

Filed, today:

8/7/02 10:09 AM


SUE ANNE GILROY
Secretary of State